

CAPTAIN JOSEPH SMOOT—WIDOW OF.

[To accompany Bill H. R. No. 734.]

MAY 18, 1860.

Mr. SEDGWICK, from the Committee on Naval Affairs, made the following

REPORT.

The Committee on Naval Affairs, to whom was referred the memorial of Ann E. Smoot, widow of Joseph Smoot, late a captain in the navy of the United States, having had the matter under consideration, beg leave to submit the following report:

The case presents the following facts: Captain Smoot, while in command of the navy yard at Portsmouth, New Hampshire, was, by the operation of the act entitled "An act to promote the efficiency of the navy," approved February 28, 1855, placed on the reserved list on furlough pay. Feeling himself aggrieved by the action of the retiring board, he memorialized Congress for relief, but in view of the subsequent act passed January, 1857, providing for courts of inquiry, he determined to avail himself of its provisions, and took the preliminary steps to avail himself of its provisions, and employed counsel to conduct his case before such court; but, unfortunately, before he was able to carry his purposes into full effect, he departed this life just anterior to the organization of the court. A keen sense of the assumed injustice done him by the retiring board preyed upon the spirits of Captain Smoot, and is believed to have hastened the period of his death; and his widow, who deeply shares in the reproach thus, as she believes, unjustly cast upon his memory, prays an acknowledgment upon the part of Congress of his long and gallant services, and prays that the benefits of the sixth section of an act entitled "An act to promote the efficiency of the navy," approved January 16, 1857, may be extended to his case, and an act be passed directing the payment to her of the amount her said husband was receiving at the time he was so placed upon the reserved list on furlough pay, to the time of his death, deducting therefrom whatever sums he may have received in the meantime upon account of pay.

The unfortunate characteristics of the board by which Captain Smoot was removed from his rank preclude the knowledge of the charges

against him which that board deemed justification for its course in his case, and in the absence of such specific knowledge, the committee, from the past life and services of Captain Smoot as spread before them in the papers in this case, and the strong testimony borne in his behalf by the Hon. John P. Kennedy, late Secretary of the Navy, Commodore Joseph Smith, Mr. Bridge, and others, all showing the highest regard for him as an honorable and efficient officer at the time of his degradation by the board, feel at liberty to infer that the judgment of the retiring board in his case would not have stood the investigations of the court of inquiry before which Captain Smoot had prepared himself to appear, any better in his case than in those of the very many officers in whose cases such inquiry resulted in an honorable restoration to the rank from which they had been displaced. At the time he fell under the censure of the retiring board, Captain Smoot was in good health, and discharging the duties of his post to the full satisfaction of his superiors, as is disclosed by the letters already referred to. He had passed the best years of his life in the service of his country, and in recognition of his gallantry and meritorious conduct in the actions of the "Hornet" with the "Peacock" and "Penguin," in the last war with Great Britain, the legislature of his native State, (Maryland,) by a joint resolution presented him with a splendid sword, and Congress gave him a vote of thanks. His widow, it may be remarked here, feeling that the action of the retiring board cast a reproach upon his memory, felt unwilling to retain this splendid testimonial of the regard in which others had held him, and with a delicacy that does honor to her refined sensibility, returned this sword to the State, the legislature of which, at its session of 1858, reaffirmed their opinion of her distinguished husband by presenting it under a new resolution to his only son.

The career of Captain Smoot was a long and distinguished one. He entered the navy of the United States in the year 1809, and continued in the service of his country and in the prompt and faithful discharge of every duty until the year 1856, when the hand of death was laid upon him.

Captain Smoot, while yet a lad, with the rank of midshipman, joined the Hornet, and served in her during the whole of the war with Great Britain, under the gallant Lawrence and Biddle, and participated in the glorious actions with the "Peacock" and "Penguin," and in the blockade of the "Bonne Citazenni" in the harbor of St Salvador. For his gallant services and good behavior in both these actions, he was voted by the legislature of Maryland a splendid sword, having previously received the public thanks of Congress for meritorious conduct. During the whole war he was not off duty a single day.

In 1816, he was promoted to the rank of lieutenant, and ordered to the command of the "Despatch," at that time engaged in surveying the waters of the Chesapeake; from here he was ordered as first lieutenant on board the schooner "Nonsuch," engaged in surveying the coast of Virginia and North Carolina, and continued in that service until the year 1818, when he joined the United States frigate Macedonian, Captain Downs, and sailed for the Pacific ocean, where he re-

mained performing duty for three years, and returned in said ship in the year 1821.

In the following year Captain Smoot was attached to said ship under Captain Biddle in the West Indies, until the yellow fever broke out among the crew, and raged with such frightful mortality that she was compelled to return to Norfolk. When the ship arrived, he was the only lieutenant out of seven on duty. In October, 1823, he joined the frigate United States, under Commodore Hull, and sailed again for the Pacific. In 1827 he returned in said ship to the United States. In 1832 he was appointed to the command of the Grampus, and served in her for two years, in the West Indies. In 1838 he was appointed to the command of the Erie, attached to the squadron of Commodore Dallas. In 1839 he was transferred from the Erie to the Levant, attached to the same squadron, then under the command of Commodore Shubrick. In 1846 he was ordered to the command of the frigate United States, and served in her nearly three years, on the coast of Africa and in the Mediterranean, and returned in February, 1849, to the United States.

During the whole of this period he was actually at sea, and on dangerous and hard service, twenty-five years, besides doing the usual service on shore, at navy yards and in the recruiting service. And for the three years ending the first of October, 1855, he was in command of the navy yard at Portsmouth, N. H., and superintended the building and launching the frigate Santee, and rebuilding the Franklin, of fifty guns.

The committee have spread these facts upon their report, for the purpose of showing what were the characteristics of Captain Smoot's career up to the time when the retiring board put him upon the reserved list, because the action prayed in his case must be based upon the conclusion arrived at as to the probability of his restoration to his rank had not death precluded the prosecution of the investigation he was about seeking. Upon all the facts of the case the committee believe that equity and justice will be subserved by granting the prayer of the memorial, and they therefore report the accompanying bill.

